



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 31 2019

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Request for Waiver of Scientific Advisory Panel (SAP) Review-- Proposed Rule: Pesticides; Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone Requirements (SAN 6331.1)

**FROM:** Richard P. Keigwin, Jr., Director *R. Keigwin*  
Office of Pesticide Programs (7501P)

**TO:** Steven Knott, Executive Secretary  
FIFRA Scientific Advisory Panel (7201M)  
Office of Science Coordination and Policy

Attached is the proposed rule, entitled "Pesticides; Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone Requirements (SAN 6331.1)." This draft proposed rule is proposing changes to the requirements in the Agricultural Worker Protection Standard (WPS) related to the application exclusion zone (AEZ) for outdoor production pesticide applications.

Specifically, EPA is proposing revisions to limit the AEZ requirements to within the boundaries of the agricultural establishment, to address issues raised by stakeholders about when handlers may resume an application that has been suspended, to clarify and simplify the AEZ requirements for outdoor production related to spray quality/droplet size and distance criteria, and to expand the exemption for owners of agricultural establishments and their immediate families to exempt them from the requirement to evacuate the AEZ when in an enclosed building. This draft proposal also maintains the "do not contact" provision in the WPS that prohibits the handler and the handler's employer from allowing a pesticide application to result in any contact to people other than appropriately trained and equipped handlers involved in the application. These proposed changes are intended to reduce the complexity of complying with the AEZ requirements, to improve the states' ability to enforce the requirements, and to reduce regulatory burdens on agricultural communities while ensuring that workers, handlers, and other persons in areas where pesticide applications are taking place are protected.

As there are no significant science questions associated with this proposed rule, I am requesting that the SAP waive its review of this proposed rule. I would appreciate your prompt review of this request. Questions may be directed to Jacqueline Mosby at 703-305-7102, or via email at [mosby.jackie@epa.gov](mailto:mosby.jackie@epa.gov).

Attachment